

SHIPPED: 11-30-62, from Newark, N.J., by Affiliated Bakers Corp.

LABEL IN PART: (Can) "Nectar Rum and Brandy Flavored Fruit Cake \* \* \* Nuts \* \* \* Pure and Artificial Flavors, Sodium Propionate \* \* \* Nectar Foods, Inc., Newark, N.J."

RESULTS OF INVESTIGATION: Examination showed that the "nuts" as listed in the ingredient statement were not present. Organoleptic examination revealed no rum or brandy flavor. The mandatory information was in part inconspicuous due to the fact that the label was placed partly under the can lid, thereby concealing the manufacturer's name and address, quantity of contents statement, and list of ingredients.

LIBELED: On or about 2-19-63, S. Dist. N.Y.

CHARGE: 403(a)—when shipped, the label statements "Rum and Brandy Flavored" and "Nuts" were false and misleading; and 403(f)—the information required to appear on the label under sections 403(e) (1) and (2), 403(i) (2), and 403(k), namely, the name and address of the manufacturer, packer, or distributor; the quantity of contents statement; the common or usual name of each ingredient; and the declaration of artificial flavoring and a chemical preservative, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 3-28-63. Default—destruction.

29009. Chocolate-flavored wafers. (F.D.C. No. 49025. S. No. 15-381 X.)

QUANTITY: 6 ctns., each containing 48 8-oz. pkgs., at Cincinnati, Ohio.

SHIPPED: 5-14-62, from Evansville, Ind.

LIBELED: 7-5-63, S. Dist. Ohio.

CHARGE: 402(a) (3)—contained insects, insect larvae, and insect parts while held for sale.

DISPOSITION: 9-10-63. Default—destruction.

29010. Creme wafer sticks. (F.D.C. No. 48262. S. No. 12-127 V.)

QUANTITY: 35 cases, of 12 boxes each, at Chicago, Ill.

SHIPPED: 9-17-62, from Grand Rapids, Mich., by Holland-American Wafer Co.

LABEL IN PART: (Box) "Dutch Twins Creme Wafer Sticks \* \* \* Net Weight 12 Ounces Holland-American Wafer Company Grand Rapids, Michigan."

RESULTS OF INVESTIGATION: Examination showed the article to be short weight.

LIBELED: 10-29-62, N. Dist. Ill.

CHARGE: 403(e) (2)—the article failed to bear a label containing an accurate statement of the quantity of contents when shipped.

DISPOSITION: 11-21-62. Default—destruction.

29011. French bread. (F.D.C. No. 47088. S. No. 48-881 T.)

INFORMATION FILED: 11-9-62, Dist. Nev., against Francis A. Toscani, t/a Franco American Baking Co., Reno, Nev.

SHIPPED: 11-17-61, from Nevada to California.

LABEL IN PART: "Franco American Baking Co. French Bread Genuine Sour Reno, Nevada Standard Loaf Min. Wt. 16 oz."

CHARGE: 402(a)(3)—contained insect and larvae fragments, and 402(a)(4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-24-63. Sentence of probation for 5 years.

29012. Bread and rolls. (F.D.C. No. 46023. S. Nos. 56-772 R, 56-774 R, 56-776 R.)

INFORMATION FILED: 11-21-61, S. Dist. N.Y., against Diamond Baking Co., Inc., Bronx, N.Y., and Louis Palmer, plant manager.

SHIPPED: 3-22-61, from New York, N.Y., to Danbury, Conn.

CHARGE: 402(a)(4)—prepared, packed, and held under insanitary conditions.

PLEA: Not guilty.

DISPOSITION: The case came to trial before a jury on 3-4-63, and was terminated on 3-8-63, with a verdict of guilty. On 4-3-63, the defendants received the following sentence: Corporation—\$3,000 fine; Palmer—\$300 fine.

29013. Bread and rolls. (F.D.C. No. 47117. S. Nos. 1-927 T, 1-929 T, 1-933 T.)

INFORMATION FILED: 10-26-62, S. Dist. Fla., against Setzer's Bakery, Inc., Div. of Food Fair Stores, Inc., a corporation, Jacksonville, Fla., and Louis S. Slott, plant manager.

SHIPPED: 9-26-61, from Florida to Georgia.

LABEL IN PART: "LADY FAIR KING SIZE White Enriched Bread Net Weight 1 LB. 4 OZS.," "LADY FAIR Enriched Bread Made With Buttermilk Net Weight 1 LB. 4 OZS.," "LADY FAIR Enriched Sliced Wiener Rolls Net Weight 16 OZS."

CHARGE: 402(a)(3)—contained insects and insect parts; 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 7-22-63. Corporation—\$1,000 fine; Slott—\$500 fine.

### FLOUR

29014. Flour. (F.D.C. No. 48700. S. No. 61-545 V.)

QUANTITY: 30 50-lb. bags at Jacksonville, Tex., in possession of East Texas Associated Grocers, Inc.

SHIPPED: 1-8-63, from Yukon, Okla.

LIBELED: 2-7-63, E. Dist. Tex.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-6-63. Default—delivered to a public institution for use as animal feed.

29015. Flour. (F.D.C. No. 48839. S. Nos. 21-935/37 V.)

QUANTITY: 250 100-lb. bags and 300 bales, each containing 2 25-lb. bags, at Denver, Colo.

SHIPPED: 2-28-63, from Atchison, Kans.

RESULTS OF INVESTIGATION: Examination showed that the article was shipped in a rodent-infested railroad car.

LIBELED: 4-5-63, Dist. Colo.